

# L A W S

## RELATING TO THE STATE BOARD OF HEALTH

AND TO THE

### Registration of Births, Marriages and Deaths.

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#### CHAPTER 322.

#### AN ACT to establish a State Board of Health.

PASSED May 18, 1880.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Within twenty days after the passage of this act, the governor shall appoint, by and with the advice and consent of the senate, three State commissioners of health, two of whom shall be graduates of legally constituted medical colleges and of not less than seven years' practice of their profession. The said commissioners together with the attorney-general, the superintendent of the State survey and the health officer of the port of New York, who shall be ex-officio members of the State board of health, and three other persons to be designated and appointed by the governor, one of whom shall be a commissioner of health of the board of health of the city of New York, and the others shall be members or commissioners of health of regularly constituted and organized boards of health of cities of the State, shall constitute the board of health of the State of New York. Nothing in chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three of the State of New York or in the laws amending the same, or in the laws constituting boards of health in the various cities of the State, shall be read or construed to prevent the appointment of the said commissioners of board of health of cities also members of the board of health of the State of New York, and no appointment to an office, or acceptance thereof under this law, shall be held to vacate the office previously held in any board of health of any city in this State.

§ 2. The said three commissioners so appointed shall take the oath of office prescribed by the constitution for State officers, and receive from the secretary of State certificates of their appointment. They shall hold office for three years, and whenever a vacancy occurs, the place shall be filled as in other cases

State board  
of health,  
how con-  
stituted.

Oath of  
commis-  
sioners.

Term of  
office.

provided by law, and the other commissioners shall, from time to time, be designated by the governor as occasion may require, or as their places may be vacated in the board by the expiration of the several terms of office.

Vacancies,  
how filled.  
Meetings  
of board.

§ 3. The State board of health shall meet at least once in every three months and as much oftener as they shall deem necessary, their first meeting being held in the city of Albany within two weeks after the appointment duly made of the members of the first board and after they shall have qualified as aforesaid, and each annual meeting shall be held within two weeks after the first of May each year after the first, as herein provided. No member of the board

Traveling  
expenses,  
etc., of com-  
missioners  
to be paid.

except the secretary shall receive any compensation, but the actual traveling and other expenses of the members and officers of said board while engaged in their duties shall be allowed and paid out of the appropriation made for its support. They

President  
to be annu-  
ally elected.

shall elect annually one member of the board to be president; they shall also elect from among their own members or other-

Secretary to  
be execu-  
tive officer,  
and to hold  
office three  
years.

wise, a person of skill and experience in public health duties and sanitary science, to be the secretary and executive officer of said board, who shall have all the powers and privileges of

a member of the board except in regard to voting upon matters relating to his own office and duties as secretary, and he shall hold said office for the term of three years, but he may be removed for cause after a full hearing by the board, a majority of the members voting therefor.

Board may  
adopt by-  
laws; seal.  
Quorum.

§ 4. The State board of health may adopt by-laws regulating the transaction of its business, and provide therein for the appointment of committees to whom it shall delegate authority and power for the work committed to them, and it may also adopt and use an official seal. Five members shall constitute a quorum for the transaction of business.

Duties and  
compensa-  
tion of  
secretary.

§ 5. The secretary shall keep a record of the acts and proceedings of the board, perform and superintend the work prescribed in this act, and such other duties as the board may order, and shall receive an annual salary of three thousand dollars, which shall be paid him in the same manner as the salaries of other State officers are paid, and such necessary expenses shall be allowed him as the comptroller shall audit on the presentation of an itemized account having vouchers annexed, together with the certificate of the board.

General  
duties of  
board.

§ 6. Said board shall take cognizance of the interests of health and life among the people of the State, they shall make inquiries in respect to the causes of disease, and especially of epidemics, and investigate the sources of mortality, and the effects of localities, employments and other conditions upon the public health. It shall be



the duty of said board to obtain, collect and preserve such information relating to deaths, diseases and health as may be useful in the discharge of its duties, and contribute to the promotion of the health or the security of life in the State of New York. And it shall be the duty of all health officers and boards of health in the State to communicate to said State board of health copies of all their reports and publications; also such sanitary information as may be useful.

§ 7. It shall be the duty of the State board of health to have the general supervision of the State system of registration of births, marriages and deaths, and also the registration of prevalent diseases. Said board shall prepare the necessary methods and forms for obtaining and preserving such records, and to insure the faithful registration of the same in the several counties, and in the central bureau of vital statistics at the capitol of the State. The said board of health shall recommend such forms and amendments of law as shall be deemed to be necessary for the thorough organization and efficiency of the registration of vital statistics throughout the State. The secretary of said board of health shall be the superintendent of registration of vital statistics of the State. As supervised by the said board, the clerical duties and safe-keeping of the bureau of vital statistics thus created shall be provided for by the comptroller of the State, who shall also provide and furnish such apartments and stationery as said board shall require in the discharge of its duties. And the State board of health shall also prepare the necessary methods and forms and prescribe the rules regulating the issue and use of transfer permits, with the proper coupons attached thereto, to be issued by local organized boards of health, for the transportation of the dead bodies of persons which are to be carried for burial beyond the limits of the counties where the death occurs; and in all cases the said State board of health shall require coupons to be attached to such permits, to be detached and preserved by every common carrier, or the person in charge of any vessel, said railroad train or vehicle to whom such dead bodies shall be delivered for transportation. Any violation of such rules and regulations shall be a misdemeanor.

Board to have supervision of vital statistics of State, and to recommend necessary legislation.

Board to prepare forms for, and regulate use of, transfer permits.

Violation of regulations a misdemeanor.

§ 8. At any time the governor of the State may require the State board of health to examine into nuisances, or questions affecting the security of life and health in any locality, and in such case the said board shall have all necessary powers to make such examinations, and it shall report the results thereof to the governor within the limits of time which he shall prescribe for such examination and report. The report of such examination, when approved by the governor, shall be filed

Governor may require board to examine and report on nuisances, etc. Report, where to be filed.

in the office of the secretary of State, and the governor may, in relation to the matters or things found and certified by the State board of health to be nuisances, declare them to be public nuisances, and order them to be changed as he shall direct, or abated and removed. Any violation of such an order shall be held and punished as a misdemeanor, and thereafter the governor may by his order, in writing, certified under his official seal, directed to the officers of the county in which the said nuisance shall be situated, require the district attorney, the sheriff and the other officers of every such county, to take all necessary measures to execute and to have obeyed the order of the governor.

Governor may order nuisances abated.

Violation of order a misdemeanor.

§ 9. At any time at the request of the State board of health, or whenever the governor shall, as hereinbefore provided, have directed an examination and report to be made by the State board of health into any alleged nuisance, any board of health of any city of the State may appoint and select any one of its officers as its representative, during such examination of any nuisance, and such representative officer shall have a seat at, and be entitled to take part in, all the deliberations of the State board of health, during such investigation, but without the right to vote.

When local board to be represented at deliberations of State Board.

§ 10. Said board may, from time to time, engage suitable persons to render sanitary service and to make or supervise practical and scientific investigations and examinations requiring expert skill, and to prepare plans and report relative thereto. And it is hereby made the duty of all officers and agents having the control, charge or custody of any public structure, work, ground or erection, or of any plan, description, outlines, drawings or charts thereof, or relating thereto, made, kept or controlled under any public authority, to permit and facilitate the examination and inspection, and the making of copies of the same by any officer or person by said board authorized; and the members of said board, and such other officer or person as may at any time be by said board authorized, may, without fee or hindrance, enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings and places.

Board may employ experts and examine structures and places.

Limitation of amount to be expended for expert service.

Time of annual report.

But no more than five thousand dollars in any one year shall be expended for such special sanitary service.

§ 11. It shall be the duty of said board, on or before the first Monday of December in each year, to make a report in writing to the governor of the State, upon the vital statistics and the sanitary condition and prospects of the State; and such report shall set forth the action of said board and of its officers and agents and the names thereof, for the past year, and may contain other useful information, and shall suggest any further legislative action or precautions deemed proper



for the better protection of life and health. And the annual report of said board shall also contain a detailed statement of the comptroller of all money paid out by or on account of said board, and a detailed statement of the manner of its expenditure, during the year last past, but its total expenditures shall not exceed the sum of fifteen thousand dollars in any one year.

§ 12. The sum of fifteen thousand dollars is hereby appropriated from the general fund for the purposes of this act, and the expenditures properly incurred by authority of said board and verified by affidavit, subject, however, to the limitations hereinbefore imposed, and shall be paid by the treasurer upon the warrant of the comptroller.

Appropriation for expenses.

§ 13. This act shall take effect immediately.

## CHAPTER 512.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on Boards of Supervisors further powers of Local Legislation and Administration, and to regulate the Compensation of Supervisors."

PASSED May 29, 1880.

SECTION 1. Chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," is hereby amended by adding thereto the following additional subdivisions to section one of said act.

Laws 1875, ch. 482, amended.

### REGISTRATION OF MARRIAGES, BIRTHS AND DEATHS.

31. To provide for the registration, in the clerk's office in each town and village in the county, of every marriage, birth and death which may occur in said town or village; such registration to be made upon the report, within three days of the event, of the attending clergyman, magistrate or physician. Such registration to be made in books of record, properly bound, lettered, paged, ruled, printed, indexed and prepared for the purpose, and furnished whenever necessary, and upon a written demand of the said clerk, by the board of supervisors to each town or village; the expense of which books shall be a proper county charge, to be paid for as a charge in the general expenses of the county. Such books

Registration of vital statistics, how provided for.

How kept.

Expense, how paid.

Record  
books;  
forms.

shall be so ruled and printed that sufficient space shall be had between the lines and columns of each page thereof to clearly and fully record the date, name, residence, locality, giving the street and number if possible, age and disease of each person dying; and the name or names, color, age and nationality of every person married, and the date thereof; and the name or names of the parent or parents, together with the sex, color, date and place of birth of each child so born.

Dead  
bodies,  
supervisors  
to make  
certain  
regulations  
concerning  
transporta-  
tion of.

32. To provide by ordinance, rule, resolution or regulation for the non-removal of any dead body to any place without the limits of the said county, or to prevent the bringing to or within the limits of said county of any dead body by any railroad or steamboat corporation, or by any express company or common carrier, or by any other person or persons or corporations whatsoever, or the burial or interment of any dead body within the said county without a burial permit first being had and obtained; such permit to be based upon a medical certificate of the cause of death, or upon a coroner's inquest, or, in case where no medical certificate can be obtained, and no coroner's inquest has been held or required by law, such permit may be granted upon affidavit, duly verified by some person or persons known to the office granting such permit, stating the circumstance, time and cause of death, as nearly as the same can be ascertained, and to be issued by the clerk or a justice of the peace or police justice of the town or village in which such death occurs, or where such burial or interment is to be made, and to be recorded by

Supervisors to provide certain blanks. See § 7, ch. 322, 1880.

What to contain.

Violation of regulations of supervisors a misdemeanor.

him. To provide books and blank forms of permits\* and of medical certificates, properly printed and ruled for use for such purposes as aforesaid and to be furnished and paid for as is provided for the books required in the next preceding section hereto. Such books and such permits shall, in each case, contain the name of the person or corporation to whom such permit of removal or of burial is given. Any willful non-ob servance or disobedience of any rules, ordinances, regulations or resolutions of said board of supervisors, made in accordance with the powers hereby granted, shall be deemed a misdemeanor, and be punishable as such.

Registration fees to be fixed by supervisors.

Copy of records to be prima facie evidence.

33. To fix the amount and provide for the payment of the registration fees in all such cases as aforesaid, and to provide for obtaining copies of such records and for the amount and payment of fees for such copies. Such copies duly attested by said town or village clerk shall be admitted in all the courts of this State as prima facie evidence of the facts therein set forth.

\* The description of the forms and permits is now governed by the State board of health. See p. 14, § 7, *ante*.



34. To establish a fire district in any unincorporated village in this State, and to authorize such district to procure a supply of water, and to purchase apparatus for the extinguishment of fires therein, upon the application of thirty residents and freeholders of the proposed district; and to provide for the assessment, levy and collection of the cost thereof upon such district, in the same manner, at the same time, and by the same officers as the taxes of the town in which such village is located are assessed, levied and collected.

35. To provide for and use all necessary means for the prevention of, and to prevent the spread of all infectious and contagious diseases, and for the payment of all expenses necessarily incurred therefor.

§ 2. This act shall take effect immediately.

## CHAPTER 152.

### AN ACT providing for the registry of births, marriages and deaths.

PASSED April 28, 1847.

SECTION 1. The clerks of the several school districts of this State organized according to law, and where there shall be no clerk, or he shall be incapable of acting, the trustees, or one of them of such district shall annually, on or before the fifteenth day of January in each year, ascertain from the most accurate means of information in their power, and report in writing to the town clerk of the town, or one of the aldermen of the ward in which the school-house of their district shall be situated, or, in the city of New York, to the city inspector, under appropriate heads, and in such forms as shall be prescribed by the secretary of State, the number of births, marriages and deaths which have occurred in their districts respectively, during each year preceding the first day of January, the month and day of their occurrences, the names and residences of the persons so married or dying, and the names of the parents of such children born during the year, the sex, color and names of the children, name and residence of the officer or clergyman performing the marriage ceremony in cases of marriage, the age of the persons who shall have married or died during the year aforesaid, and the particular disease or cause of their death. The report of all marriages and births in the city of New York shall be reported direct to the city inspector, and in case there is no physician or midwife in attendance at any birth, then the parents shall be required to report to the city inspector within one month, and all deaths in the city of New York shall be reported to the city inspector as at present, every week.

Duty of  
clerks of  
school dis-  
tricts.

Duty of  
town  
clerks and  
aldermen  
in cities.

§ 2. It shall be the duty of the town clerk of each of the towns in this State, or of any alderman receiving the report as above specified, within fifteen days after the receipt thereof,\* to record the same in a book to be provided by him for that purpose, and to transmit a copy thereof, or of an abstract thereof, in such form as shall be prescribed by the secretary of State,† to the county clerk or city inspector, whose duty it shall be, within fifteen days after the receipt thereof,‡ to forward an abstract duly certified by him, in such form as shall be prescribed as aforesaid, to the secretary of State, who shall file the same in his office, make a complete abstract thereof, and transmit the same to the Legislature as soon as may be practicable thereafter.

Duty of  
clergymen,  
magis-  
trates, phy-  
sicians and  
midwives.

§ 3. It shall be the duty of clergymen, magistrates and other persons who perform the marriage ceremony, to keep a registry of the marriages celebrated by them, and to ascertain as far as practicable, and note, the ages of the persons married, and the time thereof, and their places of birth and their residences, in such registry. It shall also be the duty of physicians and professional midwives to keep a registry of the several births in which they have assisted professionally, and the time of such birth, sex, color, and the residence of the parents; and physicians who have attended deceased persons in their last sickness, clergymen who have officiated at the funeral, and sextons who have buried deceased persons, to keep a registry of the name, age and residence of such deceased persons and the times of their death. It shall be the duty of such physicians, magistrates, clergymen and sextons to allow the clerks of the school districts within which they respectively reside, to inspect such registries from time to time, and to furnish them such other information in their power as may be necessary to enable such clerks to make the returns by this act.

Allowance  
to be made  
for ser-  
vices.

§ 4. For the performance of the duties herein required, the officers of the several districts, towns and counties rendering the services herein specified, shall be entitled to such compensation for their services and expenses incurred by them, as may be audited and allowed by the boards of supervisors of such counties respectively.

\* Under chapter 512, 1880, the time is changed to three days.

† Under chapter 322, Laws of 1880, the duty of prescribing the forms here referred to, and of filing the returns, now devolves upon the State board of health.

‡ The *original certificates* (instead of "abstracts") will be sent to the State Bureau on the fifteenth of the month following their date, after the Town Record is made.